

REMARKS

Claims 1-4, 6-12, 14-26 and 35-37 are all the claims pending in the application. Claim 5 was previously canceled. Claims 13 and 27-34 are canceled herein.

A request for continued examination was filed on March 23, 2004, accompanied with a Response under 37 C.F.R. § 1.114(c). An Office Action following Applicants' RCE has not yet been issued. This amendment supplements Applicants' Response. Applicants amend Claim 1 to recite that the solid, self-bioadhesive composition further comprises Carnallite or a salt of Carnallite, based on the subject matter of Claim 13, now canceled, and Claim 18. Claim 14 is amended to depend on Claim 1 instead of Claim 13. Claim 18 is amended for editorial purposes. Claim 24 is rewritten into independent form, without reciting Carnallite or a salt of Carnallite.

New dependent Claim 35 is added to recite Carnallite or a salt of Carnallite, and dependent upon Claim 24. New Claims 36 and 37 are added as discussed further herein. No new matter is added.

Entry of the Amendment is respectfully requested as Applicants submit that the claims are now in condition for allowance. Applicants respectfully request reconsideration and review of the claims on the merits.

Summary of Substance of Examiner's Interview

An Examiner's Interview was conducted on April 22, 2004. The Examiner and Applicants' representative discussed the pending claims and discussed the Examiner's

application of the Tapolsky and Roreger references. The Examiner urged Applicants to incorporate the limitations of Claim 13 into independent Claim 1.

Allowable Subject Matter

The Examiner has previously indicated that Claims 13, 14, 18, 20, 21, 24 and 25 would be allowable if rewritten to overcome the rejections set forth in the Office Action mailed June 26, 2003, and to include all of the limitations of the base claim and any intervening claims.

Applicants respond as follows.

Independent Claim 1 was previously amended to incorporate the subject matter of Claim 5, now canceled, that the herbal active agent is selected from the group consisting of a bioactive herb extract, a tincture, an essential oil and mixtures thereof.

Claim 1 is now further amended to further comprise Carnallite or a salt of Carnallite, based on the subject matter of dependent Claim 13, now canceled, and dependent Claim 18, amended herein. Claim 13 was dependent upon Claim 1 through dependent Claim 6. Carnallite or a salt of Carnallite is incorporated into Claim 1 without further incorporating the subject matter of intervening Claim 6. Applicants submit that the subject matter of intervening Claim 6 is not necessary to incorporate into Claim 1 as Carnallite or a salt of Carnallite is now a recited element of Claims 1-4, 6-12, 14-23, 26 and 35, and the additional element of Carnallite or a salt of Carnallite is distinguishable over any prior art references cited by the Examiner.

The Examiner indicated that Claim 24 was allowable, and Applicants have rewritten Claim 24 into independent form.

Accordingly, Applicants respectfully request reconsideration and allowance of Claim 1 and Claims 2-4, 6-12, 14-26 and 35.

Claim Rejections – 35 U.S.C. § 102

A. Claims 1, 4, 5, 15-17, 22, 23 and 26 are rejected under 35 U.S.C. § 102(e) as assertedly being anticipated by Tapolsky et al for the reasons given in the Office Action mailed June 27, 2003.

B. Claims 1, 4-7, 15-17, 22 and 23 are rejected under 35 U.S.C. §102(b) as assertedly being anticipated by Roreger et al. with evidence provided by Lawless for the reasons given in the Office Action mailed June 27, 2003.

Applicants respond as follows.

Claim 1 is now amended to further comprise Carnallite or a salt of Carnallite, as reflected in original Claims 13 and 18, which were not rejected by prior art references.

Therefore, the rejections under 35 U.S.C. §102 should be withdrawn, and such is respectfully requested, since none of the references disclose or teach the use of a homeopathic active agent or the use of a herbal active agent selected from the group consisting of a bioactive herb extract, a tincture, an essential oil or mixtures thereof, further comprising Carnallite or a salt of Carnallite.

Claim Rejections – 35 U.S.C. § 103

A. Claims 1-5, 15-17, 22, 23 and 26 are rejected under 35 U.S.C. §103(a) as assertedly being unpatentable over Tapolsky et al for the reasons given in the Office Action mailed June 27, 2003.

B. Claims 1-11, 15-17, 19, 22, 23 and 26 are rejected under 35 U.S.C. §103(a) as assertedly being unpatentable over Tapolsky et al in view of Iyer et al and Friedman et al (US 6,197,305) with evidence provided by Lawless for the reasons given in the Office Action mailed June 27, 2003.

C. Claims 1-6, 12, 15-17, 22, 23 and 26 are rejected under 35 U.S.C. §103(a) as assertedly being unpatentable over Tapolsky et al in view of Friedman et al in view of Shuch et al for the reasons given in the Office Action mailed June 27, 2003.

Applicants respond as follows.

As discussed above, Claim 1 is now amended to further comprise Carnallite or a salt of Carnallite.

Therefore, the rejections under 35 U.S.C. §103(a) should be withdrawn, and such is respectfully requested, since none of the references disclose or suggest the use of a homeopathic active agent or the use of a herbal active agent selected from the group consisting of a bioactive herb extract, a tincture, an essential oil or mixtures thereof, further comprising Carnallite or a salt of Carnallite.

New Claims 36-37

New independent Claim 36 is added to recite “a therapeutically effective amount of at least one homeopathic active agent”. Homeopathic agents are entirely different from herbal agents, as explained in the specification, for example, Example 8, describing that Homeopathy is a therapeutic approach based on the concept that disease conditions should be cured by administering drugs which, in healthy people, induce a symptom picture similar to that manifested by the disease one intends to treat. Specific examples of homeopathic active agents are listed, for example, at page 37, third full paragraph. Therefore, the Examiner’s citation of references relating to herbal agents are not relevant to new Claim 36. New dependent Claim 37 is added to recite Carnallite or a salt of Carnallite, and dependent upon Claim 36. No new matter is added. Entry of the Amendment is respectfully requested.

Accordingly, Applicants respectfully request consideration and allowance of new Claims 36-37.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

SUPPLEMENTAL AMENDMENT UNDER 37 C.F.R. § 1.114(c)
U.S. Application No. 10/083,413

Q63391

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.


Respectfully submitted,

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